UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

	CLERK, U.S. DISTRICT COURT
	WESTERN DISTRICT OF TEXAS
DV	. NM

DEPUTY

FILED June 26, 2024

ANDY E. TRINIDAD,

Plaintiff,

v.

LOANCARE, LLC,

Defendant.

CIVIL NO. 5:23-CV-01212-OLG

ORDER

Before the Court is United States Magistrate Judge Henry J. Bemporad's Report and Recommendation (R&R) concerning Defendant LoanCare, LLC's Motion to Dismiss (Dkt. No. 5) and Plaintiff Andy E. Trinidad's Motion to Amend Complaint (Dkt. No. 12). R&R, Dkt. No. 14, filed May 31, 2024. Plaintiff Andy E. Trinidad was sent a copy of the R&R through certified mail on May 31, 2024, and Defendant LoanCare, LLC was electronically served a copy of the R&R on May 31, 2024. Dkt. Nos. 14, 15. The time to object has passed. Dkt. No. 14. Because no party has objected to the R&R, the Court has reviewed the recommendation to determine whether it is clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). It is not. Accordingly, the Court concludes that Magistrate Judge Bemporad's Report and Recommendation (Dkt. No. 20) should be and hereby is **ADOPTED**.

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It is therefore **ORDERED** that, for the reasons stated in the R&R, this matter is hereby **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction pursuant to Rules 8(a)(1) and 12(h)(3).

It is **FURTHER ORDERED** that Defendant LoanCare, LLC's Motion to Dismiss (Dkt. No. 5) and Plaintiff's Motion to Amend Complaint (Dkt. No. 12) are hereby **DENIED AS MOOT**. This case may be **CLOSED**.

It is so **ORDERED**.

SIGNED this 18th day of June, 2024.

ORLANDO L. GARCIA United States District Judge